

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:13CV121
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER FOR STUDY AND
MALEK M. AL MALIKI,)	EVALUATION BY LOCAL
)	CONSULTANT(S)
)	
DEFENDANT.)	

This matter came before the Court upon the motion of defendant, Malek M. Al Maliki, requesting a mental examination and to continue the sentencing date until such time as the mental examination is performed (Doc. No. 47). A hearing was held on the motion on December 6, 2013. The government does not oppose the motion, the Court finds the motion well-taken and, for the reasons set forth herein, the motion is hereby **GRANTED**.

The defendant was indicted on the following charges:

Count 1 (John Doe # 1): One count of Engaging in Illicit Sexual Conduct in a Foreign Place, and/or Attempting to do so, in violation of 18 U.S.C. § 2423(c) and (e);

Count 2 (John Doe # 2): One count of Attempting to Engage in Illicit Sexual Conduct in a Foreign Place, in violation of 18 U.S.C. § 2423(c) and (e).

On August 29, 2013, the defendant was found guilty by a jury of both counts charged in the indictment. A Presentence Investigation Report was prepared and sentencing was scheduled to take place on December 6, 2013. On November 26, 2013,

defendant filed the above-referenced motion.

On December 6, 2013, a hearing was held on the motion. Upon review, the Court finds that it would be helpful, prior to the sentencing hearing, for counsel and the Court to receive a report on defendant's psychological condition. Accordingly, the Court shall delay disposition of this matter until a study and report of the psychological examination of defendant is received and reviewed by the Court and the parties. At the hearing, the attorneys for the defendant and the government agreed to the appointment of a local consultant or consultants to conduct the study and evaluations as provided in 18 U.S.C. § 3552(b). Specifically, the parties have agreed that Dr. Steven Van Auken, Ph.D. shall conduct the study and evaluation, and provide a report.

The report shall include a forensic psychological sex offender evaluation and shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment needed.

Accordingly, in preparation for sentencing in this case, the Court hereby **ORDERS**, pursuant to 18 U.S.C. § 3552(b), as follows:

(1) The defendant, Malek Al Maliki, undergo a presentence study and evaluation pursuant to 18 U.S.C. § 3552(b). The study and examination shall be performed by Dr. Steven Van Auken, Ph.D.

(2) Pursuant to 18 U.S.C. § 3552(b), Dr. Van Auken shall prepare a written report setting forth the results of the study and examination and include the information regarding the defendant's psychological condition. The report shall also include an opinion concerning the sentencing alternatives that could best accord the defendant the kind of treatment needed. Dr. Van Auken shall forward four (4) copies of the written

report to the U.S. Probation Office located at the John F. Seiberling Federal Building and U.S. Courthouse, Two South Main Street, Rm. B-55, Akron, OH 44308-1811. The U.S. Probation Office shall distribute the copies to the Court and counsel of record.

(3) The U.S. Probation Office shall provide Dr. Van Auken with a copy of the Presentence Investigation Report and any available medical and psychological records of defendant Malek Al Maliki, which information shall be returned to the U.S. Probation Office along with the copies of the study and psychological evaluation.

(4) The Clerk shall deliver a certified copy of this Order to the U.S. Probation Office to provide to Dr. Van Auken. Dr. Van Auken shall submit a statement for payment to the U.S. Pretrial Services and Probation Office not to exceed the sum of Two Thousand Dollars (\$2,000.00), without prior authorization from the Court. The cost of the examination is to be paid by the U.S. Pretrial Services and Probation Office using administratively held funds.

(5) If the study and evaluation does not take place in the facility where the defendant is currently being detained, the Court instructs the U.S. Pretrial Services and Probation Office to notify the U.S. Marshal's Service of the date, time and place of the study and evaluation. The U.S. Marshal's Service is ORDERED to transport the defendant, Malek Al Maliki, to the designated facility on the designated date and time. The U.S. Marshal's Service is to ensure that the defendant is in a secure examination room and, if necessary properly restrained in a way that does not interfere with the examination. The U.S. Marshal's Service shall remain at the testing facility (although not in the examining room) while the examination is taking place. At the conclusion of the examination, the U.S. Marshal's Service shall transport the defendant back to the

detention facility where he is being detained.

IT IS SO ORDERED.

Dated: December 6, 2013



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE